


tilted ventilator position in which a respective front edge thereof is lowered around a respective rear edge;

 wherein said at least one of the covers is longitudinally displaceable from said ventilator position into said open position in which said covers are vertically arranged with respect to each other, said rear edge being maintained at a constant height relative to the fixed roof skin during said longitudinal displacement at least until a last section of the longitudinal displacement.

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#### REMARKS

By the above actions, the specification and claim 1 have been amended. Additionally, accompanying this Amendment under separate cover letter are two sheets of new drawings. In view of these actions and the following remarks, further consideration of this application is now requested.

Before proceeding further, the undersigned wishes to thank the Examiner for taking the time to discuss the outstanding issues with him at a personal interview conducted on October 11, 2002, and for his helpful suggestions with respect to the drawings. The substance of these discussions are set forth in greater detail below as required by MPEP § 713.04

With regard to the Examiner's objection to the drawings, a schematic depictions of the swinging mechanisms for raising and lowering the covers have been added to the figures consistent with the original disclosure. As discussed with the Examiner, the particular means to produce the recited movements is not the invention as those skilled in the art will know numerous techniques for doing so, and by way of example, the Examiner was shown the appended Schreiter et al. U.S. Patent No. 4,911,497, which patent discloses mechanisms would be readily adaptable by anyone of ordinary skill in the art in order to enable production of the claimed movements instead of those of the Schreiter et al. patent; see, Figs. 9-11 and 18-21. Since no particular mechanism is required and the use of existing technology was contemplated (see, paragraph [0019] which indicated that the swinging mechanism "may be made in the known manner"), it is submitted that a mere schematic representation is appropriate and consistent with 37 CFR 1.83(a) requirements with respect to conventional features. Accordingly, withdrawal of the requirement is submitted to now be in order and thus is hereby requested.

Original claims 2-7 were rejected under 35 U.S.C. § 112, first paragraph as being based on an inadequate disclosure. However, applicant once more takes issue with that assessment, and as noted above, at the personal interview, with reference to the above mentioned figures of the Schreiter et al. patent, it was demonstrated how simple the structure is to produce raising and lowering of an end of a cover, and how readily adaptable a swinging mechanism as is used, e.g., in the Schreiter et al. patent to production of the claimed movements. For example, a mechanism as shown at 70, 72 comprised of a cover-mounted bolt runs in a track having a horizontal section and a downwardly sloping section would allow the rear end of the rear cover to be held at a constant height for the length of the horizontal section and then lowered once the rear cover has been slid forward a distance sufficient to reach the downwardly sloping section at which point it would be lowered. Similar mechanism could be used to control raising and lower the front edge of the rear panel as well as movement of the ends of the front cover, it merely being necessary to appropriately position, size and orient the guide track to produce the desired movement at the desired location. The drawings and the descriptions of how the cover is moved between those positions that are contained in the "Detailed Description," which include the description of how and when each cover is moved along guide rails or cover guides so as to be raised and lowered together with a swing-in mechanism therefore would, given the state of the art reflected by the Schreiter et al. patent, be sufficient to those of ordinary skill in the art to enable them to make and use the invention. In this regard, it is noted that the specification has been amended to identify the Schreiter et al. patent as an example of the "known manner" in which the swinging mechanism may be constructed. Therefore, given the foregoing and the fact that the specification need only be written to the level of those skilled in the art without have to incorporate that which is know to such persons, reconsideration and withdrawal of the § 112, first paragraph rejection is in order and is requested.


Claim 1 has again been rejected under 35 U.S.C. § 102 as being anticipated by the BMW reference while claims 8 & 9 have again been rejected under 35 U.S.C. § 103 as being unpatentable in view of this reference. In making this rejection, the Examiner placed emphasis on the "substantially" term in claim 1 and noted that it did not require the end of the rear cover be maintained at a fixed height, so that it did not define over the BMW arrangement in which the rear edge of the rear cover 2 is lowered a short distance when the forward movement is initiated.

Thus, since the BMW reference does not teach that the rear edge of the rear cover is "maintained at a constant height relative to the fixed roof skin during said longitudinal displacement at least until a last section of the longitudinal displacement" as set forth in twice amended claim 1, as is believed was recognized by the Examiner at the noted interview, the basis for the his rejection no longer exists. Accordingly, withdrawal of the rejections based on the BMW reference is in order and is requested.

The Declaration was objected to as failing to list the residence of the inventor. However, since the rules now provide for such information to be provided by Application Data Sheet, appended hereto is a new Application Data Sheet which indicates applicant's residence address. Therefore, withdrawal of this objection is requested.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,

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Mark-up Showing Amendments Made

In the Specification:

Please amend paragraphs [0020] and [0023] as follows:

[0020] A motor vehicle roof (see Figure 1), in a fixed roof skin 10, has a roof opening 11 which extends from near the front edge 12 of the roof skin 10 to near the rear edge 13 of the roof skin 10. On the bottom of the roof skin 10, a frame (not shown) is attached which, on either side of the roof opening 11, has guide rails G in which the front cover 14 and the rear cover 15 are supported to be able to move. Furthermore, the two covers 14, 15 are each provided with a swing-in mechanism S, which are only schematically represented in the drawings [(not shown)] by which the front cover 14 and the rear cover 15 may be lowered at their front edges 16, 17 relative to the respective rear edges 18, 19 into the ventilator positions (see Fig. 2B & Fig. 3B). For their swinging motion and their displacement motion along the guide rails, the covers 14, 15 are each driven by its own drive 20, 21 which are attached to the front and rear transverse parts 22, 23 of the roof frame and which may be made in the known manner as an electric motor with a driving pinion and compressively-stiff drive cables; see, for example, U.S. Patent No. 4,911,497 which hereby incorporated by reference. The covers 14, 15 are preferably transparent and are especially glass covers.

[0023] In order to move the rear cover 15 into its open position in which it clears the rear section 25 of the roof opening 11, the rear cover 15 is pushed forward out of its obliquely oriented or tilted ventilator position (see Figure 2B) while this oblique position is maintained by the drive 21 (see Figure 2C), the rear edge 19 of the rear cover 15 is moved by side cover guides G along the roof contour while the front edge 17 of the cover is moved forward with an essentially uniform distance relative to the front cover 14. When the rear edge 19 of the rear cover 15 has approached the rear edge 18 of the front cover 14 to a certain distance, the rear edge 19 of rear cover 15 is moved down by the cover guides G in a downward motion which may take place, for example, in steps according to the representation of the arrow 27 (see Figure 2D), so that the rear cover 15 is aligned roughly parallel to the front cover 14. In this parallel alignment, the rear cover 15 may traverse the last section of its path of motion or

displacement into its final open position under the front cover 14. This ensures that the rear cover 15, when being opened, remains largely in its upper position which is as close as possible to the roof contour so that its distance relative to a rear seat passenger remains as great as possible and the passenger's head space is restricted as little as possible. Closing motion of the rear cover 15 takes place in the opposite sequence of motions. Raising and lowering of the covers is produced by the swing-in mechanisms S, for example, in the manner known from the above mentioned U.S. Patent No. 4,911,497.

In the Claims:

1. (Twice Amended) A motor vehicle roof comprising:  
a fixed roof skin with a roof opening therein; and  
front and rear displaceable covers for closing and partially clearing the roof opening;  
wherein at least one of the covers is displaceable in a lengthwise direction of the motor vehicle roof into an open position and is swingable out of a closed position into a tilted ventilator position in which a respective front edge thereof is lowered around a respective rear edge;

wherein said at least one of the covers is longitudinally displaceable from said ventilator position into said open position in which said covers are vertically arranged with respect to each other, said rear edge being maintained [substantially] at a constant height [of] relative to the fixed roof skin during said longitudinal displacement at least until a last section of the longitudinal displacement.